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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,292	06/20/2005	Thomas Hahn	BA-22941	8283
178 7590 09/06/2007 BUCKNAM AND ARCHER 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			EXAMINER GABLER, PHILIP FRANCIS	
			ART UNIT 3637	PAPER NUMBER
			MAIL DATE 09/06/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/540,292	Applicant(s) HAHN, THOMAS	
	Examiner Philip Gabler	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 July 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. The amendment filed 27 July 2007 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the drawings added in the amendment (Figures 4-7) and associated changes to the specification. These additions are not fully supported by the original disclosure.

Applicant is required to cancel the new matter in the reply to this Office Action.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the guiding means of claim 1, the sealing strips of claims 1, 4, and 5, the single extension of claim 2, and the double extension of claim 3 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure

is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cullen et al. (US Patent Number 5853238) in view of Fenwick (US Patent Number 4148535). Cullen (Figures 3 and 5) discloses a cabinet for displaying objects, having several side panels, a base and an upper part that forms the top, at least one side panel being made in the form of a door (70), the outer side of which closes flush in the area of the outside edge of a side panel at the right- or left-hand side when the cabinet is in the closed state and the interior of the cabinet is sealed off from its surroundings in an

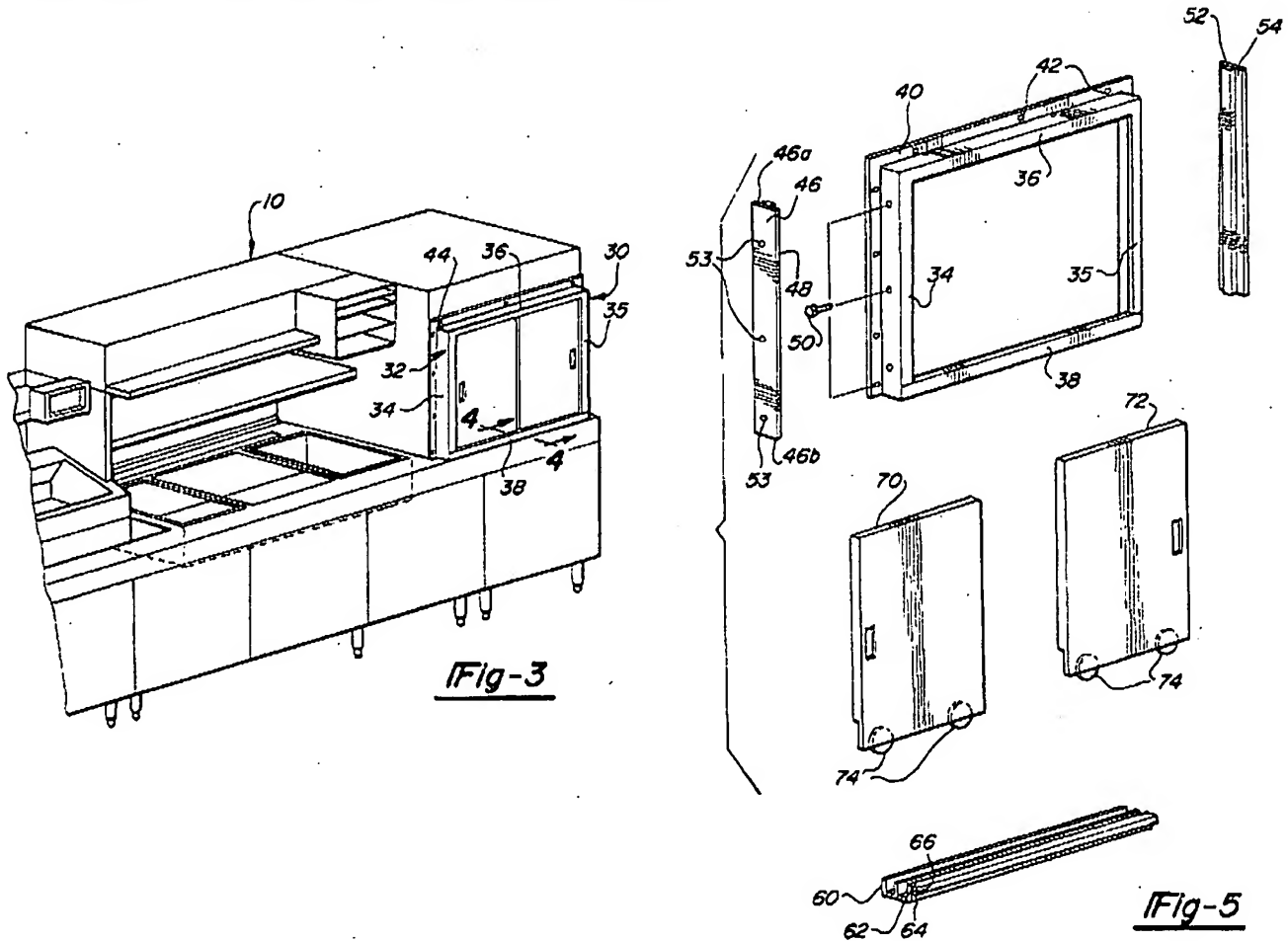
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airtight and dust-tight manner, appropriate flexible sealing strips (54, etc.) being affixed in the door's area of movement, wherein the door is mounted, by means of a guiding means (60, etc.) affixed in the top or the base or in both the top and the base (it is at least attached in the base), in such a way that the door can be moved sideways in a parallel manner in order to completely clear the door opening, whereby to open the door the relevant side panel (34) could be pushed back by suitable means, or the door can be moved forward by suitable means, to such an extent that the inner face of the door is able to pass the front edge of the side panel (the side panel could be moved to allow additional door motion). Cullen does not disclose a glass door. Fenwick discloses a cabinet with a sliding glass door (62). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a glass door in Cullen's device as taught by Fenwick because this would allow a user to view the contents of the cabinet without opening the door, adding convenience and further protection for the contents.

5. Regarding claims 2 and 3, Cullen, modified by Fenwick as described above, further discloses the side panel is mounted to the top or in the top and the base, and the door is permanently fixed by its guiding device to the cabinet (see figures).

6. Regarding claims 4 and 5, Cullen, modified by Fenwick as described above, further discloses sealing strips (54, etc.) affixed to the cabinet in the area of the side wall and at least one strip lies against the inner face or front edge of the door when the door is closed.

7. Regarding claim 6, Cullen, modified by Fenwick as described above, further discloses the door can be moved to both sides.



Cullen et al. '238 Figures 3 and 5

8. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoffner (US Patent Number 4832421) in view of Cullen and Fenwick. Shoffner (Figures 1 and 2) discloses a cabinet for displaying objects, having several side panels, a base and an upper part that forms the top, at least one side panel being made in the form of a door (30), the outer side of which closes flush in the area of the outside edge

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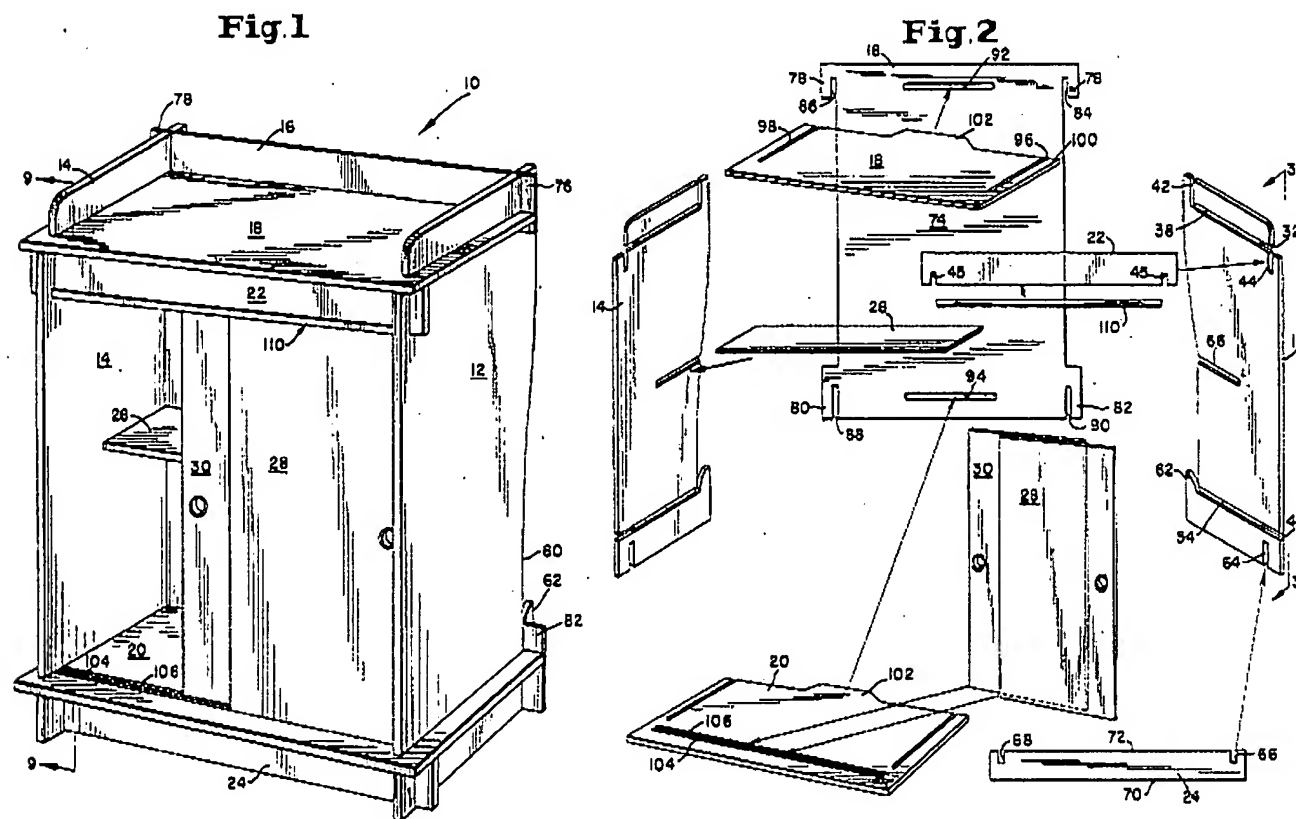
of a side panel at the right- or left-hand side when the cabinet is in the closed state and the interior of the cabinet is sealed off from its surroundings in an airtight and dust-tight manner, wherein the door is mounted, by means of a guiding means (104, 106, etc.) affixed in the top or the base or in both the top and the base (it is at least attached in the base), in such a way that the door can be moved sideways in a parallel manner in order to completely clear the door opening, whereby to open the door the relevant side panel (14) could be pushed back by suitable means, or the door can be moved forward by suitable means, to such an extent that the inner face of the door is able to pass the front edge of the side panel (the side panel could be moved to allow additional door motion). Shoffner does not disclose a glass door or a seal strip. Fenwick discloses a cabinet with a sliding glass door (62). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a glass door in Shoffner's device as taught by Fenwick because this would allow a user to view the contents of the cabinet without opening the door, adding convenience and further protection for the contents. Cullen discloses a cabinet having sealing strips (54, etc.) for sealing an area opened by a door. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use sealing strips as taught by Cullen in Shoffner's device because these would help better seal the cabinet, helping to protect the contents held within the cabinet.

9. Regarding claims 2 and 3, Shoffner, modified as described above, further discloses the side panel is mounted to the top or in the top and the base, and the door is permanently fixed by its guiding device to the cabinet (see figures).

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10. Regarding claims 4 and 5, Shoffner, modified as described above, further discloses sealing strips affixed to the cabinet in the area of the side wall and at least one strip lies against the inner face or front edge of the door when the door is closed.

11. Regarding claim 6, Shoffner, modified as described above, further discloses the door can be moved to both sides.



Shoffner '421 Figures 1 and 2



***Response to Arguments***

12. Applicant's arguments, see remarks, filed 27 July 2007, with respect to the claim objections and 35 USC 112 rejections have been fully considered and are persuasive. The claim objections and 35 USC 112 rejections have been withdrawn.

13. The remainder of Applicant's arguments filed 27 July 2007 have been fully considered but they are not persuasive. The prior art is viewed as disclosing the limitations set forth in the claims as described above, including doors capable of completely clearing the door opening. Accordingly, the rejections have been maintained.

***Conclusion***

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Gabler whose telephone number is (571) 272-6038. The examiner can normally be reached on Monday through Friday, 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PFG  
8/29/2007

  
JAMES O. HANSEN  
PRIMARY EXAMINER